

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 22, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

Issuance of Right-of-Entry Permit to the City and County of Honolulu, Department of Design and Construction on Lands Encumbered by General Leases, Maunalaha, Honolulu, Oahu, Tax Map Key: (1) 2-5-24:14, 15, 31, 32

APPLICANT:

City and County of Honolulu, Department of Design and Construction, whose mailing address is 650 South King Street, 11th Floor, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Maunalaha, Honolulu, Oahu, identified by Tax Map Key: (1) 2-5-24:14, 15, 31, 32, as shown on the attached map labeled Exhibit A.

AREA:

1.14 acres, more or less
1.21 acres, more or less
.40 acres, more or less
.35 acres, more or less.

ZONING:

State Land Use District: Conservation
City and County of Honolulu LUO: P-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

<u>Lease No.</u>	<u>Tenant</u>	<u>TMK</u>
GL 4903	Nancy Makua & Thomas Botheilho	(1) 2-5-024:014
GL 4904	Clarence & Sally Moses	(1) 2-5-024:015
GL 4913	Arnold & Corinne Spencer	(1) 2-5-024:031
GL 4899	Ronald Lopes	(1) 2-5-024:032

CHARACTER OF USE:

Install temporary barriers, fencing, and/or other safeguards may be constructed to prevent injury to persons and damage to property.
Install silt fencing along edge of pavement for erosion control.

TERM OF RIGHT-OF-ENTRY:

October 1, 2006 to April 30, 2007 or upon the completion of the Round Top Drive emergency Roadway Repairs Project.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1, that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable, government agency

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from all users of the subject lands.

REMARKS:

By letter dated September 11, 2006, Mr. Eugene C. Lee, P.E. Director for the City and County of Honolulu, Department of Design and Construction is requesting the Department grant a right-of-entry permit in order for the City to proceed with the Round Top Drive

Emergency Roadway Repairs Project. The project will require erosion control and constructing temporary protective measures for private properties and residents below the area targeted for repair. Temporary barriers, fencing, and/or other safeguards may be constructed to prevent injury to persons and damage to property. [Exhibit A]

Heavy rain in March 2006 caused landslides along a section of Round Top Drive. The road was damaged and threatened properties below on Maunalaha Road. The Department by its Engineering Division and their consultants have cut a large section of the slope to a safer 45 degree angle. About 14,000 cubic yards of soil have been removed. Once the slope is cut, contractors will install a nylon mesh anchored with metal stakes. Hydro mulch will be applied to grow vegetation to hold soil in place. Concrete jersey barriers will be installed beneath the slope on Round Top Drive to provide more protection. The first phase is estimated to cost \$700,000.

The City is expected to start reconstructing four sections of Round Top Drive, two each on the upper and lower roadways. The project is estimated to cost \$4 million. The City is eligible to tap into funding the Federal Emergency management Agency to cover 75 percent of the project cost.

Staff has provided the names of the tenants impacted and the City staff have contacted and scheduled meetings with the tenants.

Engineering Division, the Office of Conservation and Coastal Lands, and Division of Forestry and Wildlife have no objections to the request.

Staff has no objection as long as the City receives concurrence from the tenants.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the City and County of Honolulu, Department of Design and Construction covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and

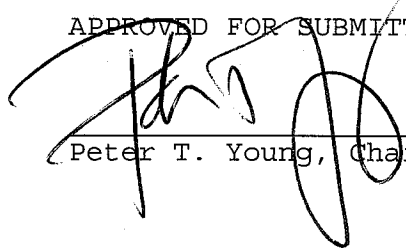
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

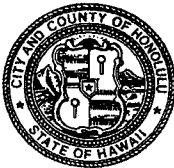
APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR

EUGENE C. LEE, P.E.
DIRECTOR

CRAIG I. NISHIMURA, P.E.
DEPUTY DIRECTOR

CDD-B 06-172535

September 11, 2006

Mr. Russell Tsuji
State Lands Administrator
Land Division
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813

RECEIVED
LAND DIVISION

Dear Mr. Tsuji:

Subject: Request for Right-of-Entry
Round Top Drive Emergency Roadway Repairs Project

The City's Round Top Drive Emergency Roadway Repairs project will require the issuance of a right-of-entry permit from the Department of Land and Natural Resources (DLNR) to construct temporary protective measures for private properties and residents below the area targeted for repair. Temporary barriers, fencing, and/or other safeguards may be constructed to prevent injury to persons and damage to property. Enclosed is a plan identifying the approximate limits for the temporary protective measures.

We request your approval of right-of-entry from early October 2006 to mid April 2007 so construction will not be delayed.

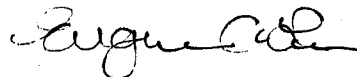
We would also appreciate your immediate attention to this matter so as to not delay your Phase 2 of the Round Top Drive Stabilization and hope that this request can be placed on the next DLNR Board meeting scheduled for September 22, 2006.

EXHIBIT "A"

Mr. Russell Tsuji
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September 11, 2006

Please let us know if we can be of any assistance. Should you have additional questions, please contact Marvin Char at 527-6381.

Very truly yours,



Eugene C. Lee, P.E.
Director

JSL:LC:dk

Enclosure

EXHIBIT "A"

